

FILED - GR

November 18, 2020 1:51 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: TS 11/18/20

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

DEONTAE GORDON #308075

PLAINTIFF,

CASE No. 1:19-cv-603

V

HON. ROBERT J. JONKER

MAG. PHILLIP J. GREEN

UNKNOWN TOWNS, et al.

DEFENDANTS.

DEONTAE J. GORDON #308075
IN PRO PER
CHARLES E. EGELER RECEPTION /
GUIDANCE CENTER
3855 COOPER STREET
JACKSON, MICHIGAN 49201

JOSH MARUM (P68244)
ASSIST. ATTORNEY GENERAL
ATTORNEY FOR MDOC
P.O. BOX 30217
MDOC DIVISION
LANSING, MICHIGAN 48909

MOTION FOR EMERGENCY
PRELIMINARY INJUNCTION

THIS IS A CIVIL RIGHTS ACTION FILED PURSUANT TO 42 USC § 1983 BY STATE PRISONER DEONTAE J. GORDON, IN PROPER ASSERTING THAT THE MICHIGAN DEPARTMENT OF CORRECTIONS' DEFENDANTS VIOLATED HIS FIRST AMEND. RIGHTS TO FREELY EXERCISE HIS RELIGIOUS BELIEFS AND HIS 14TH AMENDMENT RIGHTS TO REMAIN FREE FROM RELIGIOUS DISCRIMINATION AND CIVIL CONSPIRACY.

STATEMENT OF FACTS

PLAINTIFF IS A BUDDHIST WHO PRACTICES VEGANISM AS A CENTRAL TENET OF HIS RELIGIOUS BELIEFS. PLAINTIFF IS APPROVED BY THE MDOC TO RECEIVE VEGAN MEALS. HE HAS HAD THIS APPROVAL FOR SEVERAL YEARS.

THE MDOC HAS SEVERAL REQUIREMENTS THAT MUST BE MET BEFORE AN

INMATE CAN EAT FROM THE "MDOC Religious Menu" (I.E. VEGAN MEALS). ONCE THOSE REQUIREMENTS ARE MET AND THE INMATE IS APPROVED. THE INMATE MAY "BE HOUSED ONLY AT DESIGNATED FACILITIES." MDOC OPERATING PROCEDURE 05.03.150 A "Religious Meals" SECTION E. THE DESIGNATED FACILITIES ARE IDENTIFIED IN MDOC Policy Directive 05.03.150 "Religious Beliefs AND PRACTICES OF PRISONERS" SECTION DD.

ONCE THE INMATE STARTS THE MEALS HE "SHALL" CONTINUE TO RECEIVE THE VEGAN MEALS UNTIL HE VOLUNTARILY SIGN OFF VIA LETTER OR FOUND GUILTY AT AN ADMINISTRATIVE HEARING TWICE FOR VIOLATING THE MEALS. Id AT SECTION QQ. WHILE EATING FROM THE Religious Menu, THE MDOC IS PROHIBITED FROM TRANSFERRING THE INMATE TO A NON-DESIGNATED FACILITY (I.E. A FACILITY THAT DOES NOT PROVIDE THE Religious Menu.)

Plaintiff filed this complaint asserting that MDOC Defendants violated his First Amendment right when they transferred him to a facility that did not provide the Religious Menu, as he cannot exercise his Religious Beliefs. Plaintiff was later transferred back to a designated facility.

* * * * *

HOWEVER, ONCE AGAIN THE MDOC HAS TRANSFERRED Plaintiff TO A FACILITY THAT DOES NOT PROVIDE THE Religious Menu. Plaintiff has been at the CHARLES E. EGELER RECEPTION & GUIDANCE CENTER SINCE OCTOBER 6, 2020 WITHOUT VEGAN MEALS, AND AS A RESULT HAS SIGNIFICANTLY LOST WEIGHT. FURTHER AFTER EATING IN DUE TO STARVATION, Plaintiff HAS BECOME ILL, OFTEN VOMITING, FROM EATING NON-VEGAN FOOD.

THE FOLLOWING UNDISPUTED FACTS SUPPORT AN EMERGENCY PRELIMINARY
~~THE~~ INJUNCTION:

1. PLAINTIFF IS A BUDDHIST WHO PRACTICES VEGANISM AS A CENTRAL TENET.
2. PLAINTIFF HAS BEEN APPROVED BY THE MDOC FOR SEVERAL YEARS TO RECEIVE VEGAN MEALS, AND WAS RECEIVING THEM UNTIL TRANSFERRED TO CURRENT FACILITY.
3. ONCE AN INMATE IS APPROVED BY THE MDOC TO EAT FROM THE RELIGIOUS MENU HE MAY ONLY BE HOUSED AT DESIGNATED FACILITIES THAT PROVIDE THE RELIGIOUS MENU.
4. CHARLES E. EGELER RECEPTION & GUIDANCE CENTER IS NOT A DESIGNATED FACILITY.
5. ONCE AN INMATE IS APPROVED TO RECEIVE VEGAN MEALS THE MDOC MUST PROVIDE THOSE MEALS UNTIL THE INMATE VOLUNTARILY REQUEST REMOVAL OR IS REMOVED FOR BEING FOUND GUILTY TWICE AT ADMINISTRATIVE HEARINGS FOR VIOLATING MEAL RULES.

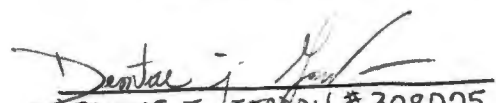
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WHEREFORE, PLAINTIFF REQUEST THAT AN EMERGENCY PRELIMINARY
INJUNCTION BE ISSUED ORDERING THE MDOC TO IMMEDIATELY:

- A. TRANSFER PLAINTIFF BACK TO HIS PREVIOUS FACILITY CARSON CITY CORRECTIONAL FACILITY, WHERE VEGAN MEALS WERE BEING PROVIDED.

DATED: 11/12/20

RESPECTFULLY SUBMITTED,


DEONTAE J. GORDON #308075

Print First & Last Name: Deontae Gordon
Prisoner Number : 308075
CHARLES E. EGELER RECEPTION & GUIDANCE CENTER
3855 Cooper Street
Jackson, Michigan 49201-7517

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Clerk's Office
U.S. DISTRICT COURT
399 Federal Building
110 MICHIGAN STREET
Grand Rapids, MI 49503

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